

1                                   **BEFORE THE ARIZONA MEDICAL BOARD**

2  
3   In the Matter of

4   **DAN S. MALLADA, M.D.**

5   Holder of License No. 25763  
6   For the Practice of Allopathic Medicine  
7   In the State of Arizona.

Case No. MD-03-0598

**CONSENT AGREEMENT FOR  
PROBATION**

8                                   **CONSENT AGREEMENT**

9           By mutual agreement and understanding, between the Arizona Medical Board  
10 ("Board") and Dan S. Mallada, M.D. ("Respondent"), the parties agreed to the following  
11 disposition of this matter.

12           1.     Respondent acknowledges that he has read and understands this Consent  
13 Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent  
14 Agreement.") Respondent acknowledges that he understands he has the right to consult  
15 with legal counsel regarding this matter and has done so or chooses not to do so.

16           2.     Respondent understands that by entering into this Consent Agreement he  
17 voluntarily relinquishes any rights to a hearing or judicial review in State or federal court on  
18 the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the  
19 Board, and waives any other cause of action related thereto or arising from said Consent  
20 Agreement.

21           3.     Respondent acknowledges and understands that this Consent Agreement is  
22 not effective until approved by the Board and signed by its Executive Director.

23           4.     All admissions made by Respondent are solely for final disposition of this  
24 matter and any subsequent related administrative proceedings or civil litigation involving  
25 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
or made for any other use, such as in the context of another state or federal government

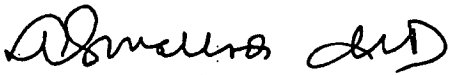
1 regulatory agency proceeding, civil or criminal court proceeding, in this State or any other  
2 state or federal court.

3 5. Respondent acknowledges and agrees that, although the Consent  
4 Agreement has not yet been accepted by the Board and issued by the Executive Director,  
5 Respondent may not revoke his acceptance of the Consent Agreement. Respondent may  
6 not make any modifications to the document. Any modifications to this original document  
7 are ineffective and void unless mutually approved by the parties.

8 6. Respondent further understands that this Consent Agreement and Order,  
9 once approved and signed is a public record that may be publicly disseminated as a  
10 formal action of the Board and will be reported to the National Practitioner's Data Bank  
11 and will be reported to the Arizona Medical Board's website.

12 7. If any part of the Consent Agreement is later declared void or otherwise  
13 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in  
14 force and effect.

15 8. ***Respondent has read and understands the condition(s) of probation.***

16 

17 \_\_\_\_\_, M.D.

05 JUL '05

18 \_\_\_\_\_  
19 Date  
20  
21  
22  
23  
24  
25

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of  
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 25763 for the practice of  
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-03-0598 after receiving notification  
7 from the Federation of State Medical Boards that Respondent's New Jersey medical  
8 license had been revoked based on an action taken in California and because he failed to  
9 disclose the California revocation on his New Jersey biennial license renewal application.

10 4. The California Medical Board ("California Board") action was taken as the  
11 result of two patient care cases. Respondent failed to properly intubate two patients,  
12 resulting in the death of one patient.

13 5. On November 14, 2001 Respondent entered into a Stipulated Rehabilitation  
14 Agreement with the California Board for a revocation, stayed, with five years probation  
15 (California Board Order incorporated by reference).

16 **CONCLUSIONS OF LAW**

17 1. The Arizona Medical Board possesses jurisdiction over the subject matter  
18 hereof and over Respondent.

19 2. The conduct and circumstances described above constitute unprofessional  
20 conduct pursuant to A.R.S. § 32-1401 (27)(II) – ("[c]onduct that the board determines is  
21 gross negligence, repeated negligence or negligence resulting in harm to or the death of a  
22 patient.")

23 3. The conduct and circumstances described above constitute unprofessional  
24 conduct pursuant to A.R.S. § 32-1401 (27)(q) – ("[a]ny conduct or practice that is or might  
25 be harmful or dangerous to the health of the patient or the public.")

4. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401 (27)(e) – (“[f]ailing or refusing to maintain adequate records on a patient.”)

5. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401 (27)(o) – (“[a]ction that is taken against a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor’s mental or physical inability to engage safely in the practice of medicine, the doctor’s medical incompetence or for unprofessional conduct as defined by that jurisdiction and that corresponds directly or indirectly to an act of unprofessional conduct prescribed by this paragraph. The action taken may include refusing, denying, revoking or suspending a license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on probation by that jurisdiction.

## ORDER:

IT IS HEREBY ORDERED that:

1. Respondent's license for the practice of allopathic medicine in the State of Arizona is revoked. The revocation, however, is stayed and Respondent is placed on probation pursuant to the following terms and conditions:

2. Respondent is placed on probation with the same terms and conditions as the California Board Order. Respondent's probationary term shall end on the same date as the California probationary term. If California Board extends Respondent's probationary term, the Arizona probationary term is also extended.

3. This Order is the final disposition of case number MD-03-0598.

DATED this 15<sup>th</sup> day of August, 2005.

ARIZONA MEDICAL BOARD



[Seal]

By Amade Rich  
TIMOTHY C. MILLER, J.D.  
Executive Director

ORIGINAL of the foregoing filed this  
16<sup>th</sup> day of August, 2005 with:

Arizona Medical Board  
9545 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed  
this 16<sup>th</sup> day of August, 2005 to:

Dan S. Mallada, M.D.  
Address of Record

Li Ma  
Quality Assurance

1 **BILL LOCKYER**, Attorney General  
of the State of California  
2 **ISA R. RODRIGUEZ**, State Bar No. 104838  
Deputy Attorney General  
3 California Department of Justice  
2550 Mariposa Mall, Room 5090  
4 Fresno, California 93721  
Telephone: (559) 444-2417  
5 Facsimile: (559) 488-7387

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
9 **DIVISION OF MEDICAL QUALITY**  
10 **MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 **DAN SODUSTA MALLADA, M.D.**  
5730 N. First Street, Suite 105  
PMB #205  
Fresno, CA 93710

15  
16 Physician's and Surgeon's Certificate  
No. C-43360

17 Respondent.

Case No. 08-2001-119217

OAH No. N-2001-070160

18  
19 **STIPULATED SETTLEMENT AND**  
20 **DISCIPLINARY ORDER**

21 In the interest of a prompt and speedy settlement of this matter, consistent with the  
22 public interest and the responsibility of the Division of Medical Quality, Medical Board of  
23 California of the Department of Consumer Affairs, the parties hereby agree to the following  
24 Stipulated Settlement and Disciplinary Order which will be submitted to the Division for  
25 approval and adoption as the final disposition of the Accusation.

26 **PARTIES**

27 1. Ron Joseph (Complainant) is the Executive Director of the Medical Board  
28 of California. He brought this action solely in his official capacity and is represented in this  
matter by Bill Lockyer, Attorney General of the State of California, by Isa R. Rodríguez, Deputy  
Attorney General.

3. On or about May 29, 1996, the Medical Board of California issued Physician's and Surgeon's Certificate No. C- 43360 to DAN SODUSTA MALLADA, M.D. (Respondent). The certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 08-2001-119217 and will expire on February 28, 2002, unless renewed.

4. Accusation No. 08-2001-119217 was filed before the Division of Medical Quality, Medical Board of California of the Department of Consumer Affairs, (Division), and is currently pending against Respondent. The Accusation, together with all other statutorily required documents were properly served on Respondent on July 9, 2001, and Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 08-2001-119217 is attached as exhibit A and incorporated herein by reference.

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 08-2001-119217. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

2

1 CULPABILITY

2 8. Respondent understands and agrees that the charges and allegations in  
3 Accusation No. 08-2001-119217, if proven at a hearing, constitute cause for imposing discipline  
4 upon his Physician's and Surgeon's Certificate No. C-43360.

5 9. For the purpose of resolving the Accusation without the expense and  
6 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could  
7 establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up  
8 his right to contest those charges.

9 10. Respondent agrees that his Physician's and Surgeon's Certificate No. C-  
10 43360 is subject to discipline and he agrees to be bound by the Division's imposition of  
11 discipline as set forth in the Disciplinary Order below.

12 CIRCUMSTANCES IN MITIGATION

13 11. Respondent DAN SODUSTA MALLADA, M.D. was initially licensed to  
14 practice medicine in the State of New Jersey in 1982 before moving to California. Respondent  
15 has never been the subject of any disciplinary action. Respondent was also in the United States  
16 Army where he was a recipient of unit commendations for education and safety programs.  
17 Additionally, while in the army, respondent served in the Persian Gulf conflict. He is  
18 acknowledging responsibility at an early stage in the proceedings in order to avoid the  
19 uncertainty and expense of going to hearing.

20 RESERVATION

21 12. The admissions made by Respondent herein are only for the purposes of  
22 this proceeding, or any other proceedings in which the Division of Medical Quality, Medical  
23 Board of California or other professional licensing agency is involved, and shall not be  
24 admissible in any other criminal or civil proceeding.

25 CONTINGENCY

26 13. This stipulation shall be subject to approval by the Division. Respondent  
27 understands and agrees that the Medical Board of California's staff and counsel for Complainant  
28 may communicate directly with the Division regarding this stipulation and settlement, without



1 notice to or participation by Respondent. By signing the stipulation, Respondent understands and  
2 agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time  
3 the Division considers and acts upon it. If the Division fails to adopt this stipulation as its  
4 Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or  
5 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
6 and the Division shall not be disqualified from further action by having considered this matter.

7 14. The parties understand and agree that facsimile copies of this Stipulated  
8 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
9 force and effect as the originals.

10 15. In consideration of the foregoing admissions and stipulations, the parties  
11 agree that the Division may, without further notice or formal proceeding, issue and enter the  
12 following Disciplinary Order:

#### 13 DISCIPLINARY ORDER

14 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. C-  
15 43360 issued to Respondent DAN SODUSTA MALLADA, M.D. is revoked. However, the  
16 revocation is stayed and Respondent is placed on probation for five (5) years on the following  
17 terms and conditions.

18 Within 15 days after the effective date of this decision the respondent shall  
19 provide the Division, or its designee, proof of service that respondent has served a true copy of  
20 this decision on the Chief of Staff or the Chief Executive Officer at every hospital where  
21 privileges or membership are extended to respondent or at any other facility where respondent  
22 engages in the practice of medicine and on the Chief Executive Officer at every insurance carrier  
23 where malpractice insurance coverage is extended to respondent.

24 1. ACTUAL SUSPENSION As part of probation, respondent is suspended  
25 from the practice of medicine for 6 months beginning from June 26, 2001, the date the Interim  
26 Suspension Order issued in this matter (OAH No. N-2001-060184).

27 2. DRUGS & ABSTAIN FROM USE Respondent shall abstain completely  
28 from the personal use or possession of controlled substances as defined in the California Uniform

1 Controlled Substances Act, and dangerous drugs as defined by Section 4211 of the Business and  
2 Professions Code, or any drugs requiring a prescription. This prohibition does not apply to  
3 medications lawfully prescribed to respondent for a *bona fide* illness or condition by another  
4 practitioner.

5 3. ALCOHOL - ABSTAIN FROM USE Respondent shall abstain  
6 completely from the use of alcoholic beverages.

7 4. BIOLOGICAL FLUID TESTING Respondent shall immediately submit  
8 to biological testing, at respondent's cost, upon the request of the Division or its designee.

9 415241 0900 5. EDUCATION COURSE Within ninety (90) days of the effective date of  
10 this decision, and on an annual basis thereafter, respondent shall submit to the Division or its  
11 designee for its prior approval an educational program or course to be designated by the Division  
12 or its designee which shall be aimed at correcting any areas of deficient practice or knowledge  
13 which shall not be less than 20 hours per year, for each year of probation. This program shall be  
14 in addition to the Continuing Medical Education (CME) requirements for re-licensure.  
15 Following the completion of each course, the Division or its designee may administer an  
16 examination to test respondent's knowledge of the course. Respondent shall provide proof of  
17 attendance for 45 hours of continuing medical education of which 20 hours were in satisfaction  
18 of this condition and were approved in advance by the Division or its designee.

19 6. ETHICS COURSE Within sixty (60) days of the effective date of this  
20 decision, respondent shall enroll in a course in Ethics approved in advance by the Division or its  
21 designee, and shall successfully complete the course during the first year of probation.

22 7. PHYSICIAN ASSESSMENT AND CLINICAL EDUCATION  
23 PROGRAM Within ninety (90) days from the effective date of this decision, Respondent, at  
24 his expense, shall enroll in the Physician Assessment and Clinical Education Program at the  
25 University of California, San Diego School of Medicine (hereinafter, the "PACE Program") and  
26 shall undergo assessment, clinical training and examination. First, the Respondent shall undergo  
27 the comprehensive assessment program including the measurement of medical skills and  
28 knowledge, the appraisal of physical health and psychological testing. After assessment, the

1 PACE Evaluation Committee will review all results and make a recommendation to the Division  
2 or its designee, the Respondent and other authorized personnel as to what clinical training is  
3 required, including scope and length, treatment of any medical or psychological condition, and  
4 any other factors affecting the Respondent's practice of medicine. The Respondent shall  
5 undertake whatever clinical training and treatment of any medical or psychological condition as  
6 may be recommended by the PACE Program.

7 Finally, at the completion of the PACE Program, Respondent shall submit to an  
8 examination on its contents and substance. The examination shall be designed and administered  
9 by the PACE faculty. Respondent shall not be deemed to have successfully completed the  
10 program unless he/she passes the examination. Respondent agrees that the determination of the  
11 PACE Program faculty as to whether or not he/she has passed the examination and/or  
12 successfully completed the PACE Program shall be binding.

13 Respondent shall complete the PACE Program no later than six (6) months after  
14 his/her initial enrollment unless the Division or its designee agrees in writing to a later time for  
15 completion.

16 If Respondent successfully completes the PACE Program, including the  
17 examination referenced above, he/she agrees to cause the PACE representatives to forward a  
18 Certification of Successful Completion of the program to the Division or its designee.

19 If Respondent fails to successfully complete the PACE Program within the time  
20 limits outlined above, he shall be suspended from the practice of medicine.

21 Failure to participate in, and successfully complete all phases of the PACE  
22 Program, as outlined above, shall constitute a violation of probation.

23 8 ORAL CLINICAL OR WRITTEN EXAM Respondent shall take and  
24 pass an oral clinical exam or written exam in the subject of anesthesiology and administered by  
25 the Division or its designee. This examination shall be taken within sixty (60) days after  
26 completion of the PACE Program. If respondent fails the first examination, respondent shall be  
27 allowed to take and pass a second examination, which may consist of a written as well as an oral  
28 examination. The waiting period between the first and second examinations shall be at least

1 three (3) months. If respondent fails to pass the first and second examinations, respondent may  
2 take a third and final examination after waiting a period of one (1) year. Failure to pass the oral  
3 clinical examination within eighteen (18) months after the effective date of this decision shall  
4 constitute a violation of probation. The respondent shall pay the costs of all examinations. For  
5 purposes of this condition, if respondent is required to take and pass a written exam, it shall be  
6 either the Special Purpose Examination (SPEX) or equivalent examination as determined by the  
7 Division or its designee.

8           Respondent shall not practice medicine until respondent has passed the required  
9 examination and has been so notified by the Division or its designee in writing. This prohibition  
10 shall not bar respondent from practicing in a clinical training program approved by the Division  
11 or its designee. Respondent's practice of medicine shall be restricted only to that which is  
12 required by the approved training program.

13           9.     PSYCHIATRIC EVALUATION Within thirty (30) days of the effective  
14 date of this decision, and on a periodic basis thereafter as may be required by the Division or its  
15 designee, respondent shall undergo a psychiatric evaluation (and psychological testing, if deemed  
16 necessary) by a Division-appointed psychiatrist, who shall furnish an evaluation report to the  
17 Division or its designee. The respondent shall pay the cost of the psychiatric evaluation.

18           If respondent is required by the Division or its designee to undergo psychiatric  
19 treatment, respondent shall within thirty (30) days of the requirement notice submit to the  
20 Division for its prior approval the name and qualifications of a psychiatrist of respondent's  
21 choice. Respondent shall undergo and continue psychiatric treatment until further notice from  
22 the Division or its designee. Respondent shall have the treating psychiatrist submit quarterly  
23 status reports to the Division or its designee indicating whether the respondent is capable of  
24 practicing medicine safely.

25           In furtherance of this provision, respondent agrees to sign a medical release  
26 authorizing the Division-appointed psychiatrist access to respondent's psychiatric/medical  
27 records. Information obtained in this manner shall be used to ensure a complete and accurate  
28 psychiatric evaluation.

*Don*  
*Mc*  
1 Respondent shall not engage in the practice of medicine until notified by the  
2 Division, or its designee, of its determination that respondent is mentally fit to practice safely.

3 If the evaluation or the treating psychiatrist's report determines that respondent is  
4 not mentally fit to practice medicine safely, then respondent shall be suspended from the practice  
5 of medicine until a repeat evaluation establishes that he can practice safely, as evidenced by  
6 written notice to respondent from the Division or its designee.

7 10. PSYCHOTHERAPY If the Division-appointed psychiatrist determines  
8 that respondent requires ongoing psychotherapy, respondent shall, within sixty (60) days of  
9 notice of this determination, submit to the Division or its designee for its prior approval the name  
10 and qualifications of a psychotherapist of respondent's choice. Upon approval, respondent shall  
11 undergo and continue treatment until the Division or its designee deems that no further  
12 psychotherapy is necessary. Respondent shall have the treating psychotherapist submit quarterly  
13 status reports to the Division or its designee. The Division or its designee may require  
14 respondent to undergo psychiatric evaluations by a Division-appointed psychiatrist. If, prior to  
15 the termination of probation, respondent is found not to be mentally fit to resume the practice of  
16 medicine without restrictions, the Division shall retain continuing jurisdiction over the  
17 respondent's license and the period of probation shall be extended until the Division determines  
18 that the respondent is mentally fit to resume the practice of medicine without restrictions. The  
19 respondent shall pay the cost of the therapy and evaluations.

20 11. MONITORING Within thirty (30) days of the effective date of this  
21 decision, respondent shall submit to the Division or its designee for its prior approval a plan of  
22 practice in which respondent's practice shall be monitored by another physician in respondent's  
23 field of practice, who shall provide periodic reports to the Division or its designee.

24 If the monitor resigns or is no longer available, respondent shall, within fifteen  
25 (15) days, move to have a new monitor appointed, through nomination by respondent and  
26 approval by the Division or its designee.

27 Respondent is prohibited from engaging in solo practice.

28 12. SUPERVISION OF PHYSICIAN ASSISTANTS During probation,

DEA #87

Universton  
Perry Simon

APR 1

JUNE 30

DUE

JULY

10TH

Sept 10

APR 1

Dec 31

due now

respondent is prohibited from supervising physician assistants.

13. OBEY ALL LAWS Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California, and remain in full compliance with any court ordered criminal probation, payments and other orders.

14. QUARTERLY REPORTS Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.

15. PROBATION SURVEILLANCE PROGRAM COMPLIANCE

Respondent shall comply with the Division's probation surveillance program. Respondent shall, at all times, keep the Division informed of his business and residence addresses which shall both serve as addresses of record. Changes of such addresses shall be immediately communicated in writing to the Division. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

Respondent shall, at all times, maintain a current and renewed physician's and surgeon's license.

Respondent shall also immediately inform the Division, in writing, of any travel to any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty (30) days.

16. INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS DESIGNATED PHYSICIAN(S) Respondent shall appear in person for interviews with the Division, its designee or its designated physician(s) upon request at various intervals and with reasonable notice.

17. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR IN-STATE NON-PRACTICE In the event respondent should leave California to reside or to practice outside the State or for any reason should respondent stop practicing medicine in California, respondent shall notify the Division or its designee in writing within ten (10) days of the dates of departure and return or the dates of non-practice within California. Non-practice is defined as any period of time exceeding thirty (30) days in which respondent is not engaging in

any activities defined in Sections 2051 and 2052 of the Business and Professions Code. All time spent in an intensive training program approved by the Division or its designee shall be considered as time spent in the practice of medicine. A Board-ordered suspension of practice shall not be considered as a period of non-practice. Periods of temporary or permanent residence or practice outside California or of non-practice within California, as defined in this condition, will not apply to the reduction of the probationary order.

18. COMPLETION OF PROBATION Upon successful completion of probation, respondent's certificate shall be fully restored.

19. VIOLATION OF PROBATION If respondent violates probation in any respect, the Division, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

20. COST RECOVERY The respondent is hereby ordered to reimburse the Division the amount of \$4,000 for its investigative and prosecution costs. The reimbursement shall be made in four equal installments of \$1,000 (one thousand dollars) each, due every 6 months, with the first installment due six months after the effective date of this decision. Installment payments, shall be by way of money order or cashier's check made payable to the order of the Medical Board of California. Failure to reimburse the Division's cost of investigation and prosecution shall constitute a violation of the probation order, unless the Division agrees in writing to payment by an installment plan because of financial hardship. The filing of bankruptcy by the respondent shall not relieve the respondent of his responsibility to reimburse the Division for its investigative and prosecution costs.

21. PROBATION COSTS Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Division, which are currently set at \$2,488, but may be adjusted on an annual basis. Such costs shall be payable to the Division of Medical Quality and delivered to the designated probation surveillance monitor.



1 no later than January 31 of each calendar year. Failure to pay costs within 30 days of the due  
2 date shall constitute a violation of probation.

3 22. LICENSE SURRENDER Following the effective date of this decision, if  
4 respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy  
5 the terms and conditions of probation, respondent may voluntarily tender his certificate to the  
6 Board. The Division reserves the right to evaluate the respondent's request and to exercise its  
7 discretion whether to grant the request, or to take any other action deemed appropriate and  
8 reasonable under the circumstances. Upon formal acceptance of the tendered license, respondent  
9 will not longer be subject to the terms and conditions of probation.

10 ACCEPTANCE

11 I have carefully read the Stipulated Settlement and Disciplinary Order. I  
12 understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate  
13 No. C-43360. I enter into this Stipulated Settlement and Disciplinary Order voluntarily,  
14 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Division of  
15 Medical Quality, Medical Board of California.

16 DATED: November 14, 2001.


17   
18 DAN SODUSTA MALLADA, M.D.  
19 Respondent

20 ENDORSEMENT

21 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
22 submitted for consideration by the Division of Medical Quality, Medical Board of California of  
23 the Department of Consumer Affairs.

24 DATED: November 14, 2001.

25 BILL LOCKYER, Attorney General  
26 of the State of California

27   
28 ISA R. RODRIGUEZ  
Deputy Attorney General

Attorneys for Complainant